

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JERRY PAUL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:15CV40 RWS
)	
ASBURY AUTOMOTIVE ST. LOUIS,)	
LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER TO SHOW CAUSE

This newly removed case is before me on my review for subject matter jurisdiction. Defendant removed this case to this Court asserting diversity jurisdiction under 28 U.S.C. § 1332. Defendant's notice of removal contains allegations demonstrating that the parties are diverse and an allegation that "plaintiffs seek to recover an amount in excess of \$75,000" To remove a case from a state court to a federal court, a defendant must file in the federal forum a notice of removal "containing a short and plain statement of the grounds for removal." 28 U.S.C. § 1446(a). When removal is based on diversity of citizenship, an amount-in-controversy requirement must be met. Ordinarily, "the matter in controversy [must] excee[d] the sum or value of \$75,000." § 1332(a). "When the plaintiff's complaint does not state the amount in controversy, the defendant's notice of removal may do so." § 1446(c)(2)(a). "[W]hen a defendant seeks federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted *when not contested by the plaintiff or questioned by the court.*" Dart Cherokee Basin Operating Co., LLC v. Owens, 135 S. Ct. 547, 553 (U.S. Dec. 15, 2014) (emphasis supplied). "Evidence establishing the amount in controversy is required by §

1446(c)(2)(B) only when . . . the court questions the defendant's allegation." Id. at 554. Here, the Court questions defendant's allegation regarding the amount in controversy because plaintiffs' state court petition does not plead an amount in damages exceeding \$75,000.00, and defendant's Notice of Removal does not include any evidence supporting a good-faith belief that the amount in controversy is met.

Accordingly,

IT IS HEREBY ORDERED that defendant shall show cause in writing, within 10 days of the date of this Memorandum and Order, that this Court has subject matter jurisdiction by providing sufficient evidence for the Court to find, by a preponderance of the evidence, that the amount in controversy exceeds the jurisdictional threshold. Plaintiffs may file any opposition to defendant's evidence, and/or a motion for remand, 10 days thereafter.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 12th day of January, 2015.